

# Title 32: PROFESSIONS AND OCCUPATIONS

## Chapter 31: NURSES AND NURSING

### Table of Contents

<b>Subchapter 1. GENERAL PROVISIONS.....</b>	<b>3</b>
Section 2101. PURPOSE.....	3
Section 2102. DEFINITIONS.....	3
Section 2103. EXCEPTIONS.....	7
Section 2104. EDUCATION PROGRAMS.....	8
Section 2104-A. NURSE ORIENTATION IN INSTITUTIONS.....	9
Section 2105. DISCIPLINARY PROCEEDINGS (REPEALED).....	9
Section 2105-A. DISCIPLINARY ACTIONS.....	9
Section 2106. CRIMINAL VIOLATIONS; PENALTIES.....	12
Section 2106-A. CIVIL VIOLATIONS; PENALTIES.....	13
Section 2107. INJUNCTIONS.....	13
Section 2108. IMMUNITY (REPEALED).....	14
Section 2108-A. IMMUNITY.....	14
Section 2109. CONFIDENTIALITY OF PERSONAL INFORMATION OF APPLICANT OR LICENSEE.....	14
Section 2110. EXPEDITED PARTNER THERAPY.....	14
<b>Subchapter 2. STATE BOARD OF NURSING.....</b>	<b>14</b>
Section 2151. APPOINTMENT; TERM; REMOVAL.....	15
Section 2152. QUALIFICATIONS.....	15
Section 2153. POWERS AND DUTIES (REPEALED).....	16
Section 2153-A. POWERS AND DUTIES.....	16
Section 2153-B. LIAISON; LIMITATIONS.....	18
Section 2154. QUALIFICATIONS OF EXECUTIVE EMPLOYEE.....	18
Section 2155. COMPENSATION.....	18
Section 2156. DISPOSITION OF FUNDS.....	18
Section 2157. NURSING EDUCATION MOBILITY ADVISORY GROUP (REPEALED).....	18
<b>Subchapter 3. REGISTERED NURSES.....</b>	<b>19</b>
Section 2201. QUALIFICATIONS.....	19
Section 2201-A. QUALIFICATIONS FOR ADVANCED PRACTICE REGISTERED NURSE.....	19
Section 2202. LICENSES; EXAMINATION.....	20
Section 2202-A. CERTIFICATES; NURSING ASSISTANTS (REPEALED).....	20
Section 2202-B. CERTIFICATION FEE; DISPOSITION OF FEE; NURSING ASSISTANTS.....	20
Section 2203. -- PLACE (REPEALED).....	21

Section 2204. EXAMINATION; TIME.....	21
Section 2205. -- ENDORSEMENT (REPEALED).....	21
Section 2205-A. LICENSURE OF PERSONS LICENSED BY ANOTHER JURISDICTION.....	21
Section 2205-B. APPROVAL AS ADVANCED PRACTICE REGISTERED NURSES.....	22
Section 2206. RENEWALS.....	23
Section 2207. REGISTERED NURSE; FEES.....	24
Section 2208. TITLE AND ABBREVIATION.....	24
Section 2209. REGISTRATION UNDER PRIOR LAW.....	24
<b>Subchapter 4. PRACTICAL NURSES.....</b>	<b>24</b>
Section 2251. QUALIFICATIONS (REPEALED).....	24
Section 2251-A. QUALIFICATIONS.....	25
Section 2252. LICENSE; EXAMINATION.....	25
Section 2253. -- TIME AND PLACE.....	25
Section 2254. -- ENDORSEMENT (REPEALED).....	25
Section 2254-A. LICENSURE OF PERSONS LICENSED BY ANOTHER JURISDICTION.....	25
Section 2255. RENEWALS.....	26
Section 2256. LICENSED PRACTICAL NURSE; FEES.....	27
Section 2257. TITLE AND ABBREVIATION.....	27
Section 2258. REGISTRATION UNDER PRIOR LAW.....	27
Section 2258-A. ADMINISTRATION OF MEDICATION.....	28
Section 2259. WAIVER (REPEALED).....	28
<b>Subchapter 5. COMMISSION ON NURSING SUPPLY AND EDUCATIONAL ACCESSIBILITY.....</b>	<b>28</b>
Section 2261. COMMISSION (REPEALED).....	28
<b>Subchapter 6. JOINT PRACTICE COUNCIL ON ADVANCED PRACTICE REGISTERED NURSING .....</b>	<b>28</b>
Section 2265. COUNCIL (REPEALED).....	28

**Maine Revised Statutes**  
**Title 32: PROFESSIONS AND OCCUPATIONS**  
**Chapter 31: NURSES AND NURSING**

**Subchapter 1: GENERAL PROVISIONS**

**§2101. PURPOSE**

The State Board of Nursing is the state regulatory agency charged with protection of the public health and welfare in the area of nursing service. In order to safeguard the life and health of the people in this State, an individual who for compensation practices or offers to practice professional nursing or practical nursing in this State shall submit evidence that the individual is qualified so to practice and that individual must be licensed. It is unlawful for an individual not licensed under this chapter to practice or to offer to practice professional or practical nursing in this State; to use a sign, card or device to indicate that the individual is a professional registered nurse or a licensed practical nurse; or to hold oneself out to the public as a professional registered nurse or a licensed practical nurse. [1993, c. 600, Pt. A, §108 (AMD).]

**SECTION HISTORY**

1967, c. 263, §1 (AMD). 1985, c. 724, §1 (AMD). 1993, c. 600, §A108 (AMD).

**§2102. DEFINITIONS**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

As used in this chapter, unless the context indicates otherwise, the following words have the following meanings. [1993, c. 600, Pt. A, §109 (AMD).]

**1. Board.** "Board" means the State Board of Nursing.

**2. Professional nursing.** The practice of "professional nursing" means the performance by a registered professional nurse for compensation of professional services defined as follows:

A. (TEXT EFFECTIVE UNTIL 1/1/15) Diagnosis and treatment of human responses to actual or potential physical and emotional health problems through such services as case finding, health teaching, health counseling and provision of care supportive to or restorative of life and well-being and execution of the medical regimen as prescribed by a licensed physician, podiatrist or dentist or otherwise legally authorized individual acting under the delegated authority of a physician, podiatrist or dentist:

- (1) "Diagnosis" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. This diagnostic privilege is distinct from medical diagnosis;
- (2) "Human responses" means those signs, symptoms and processes that denote the individual's health needs or reaction to an actual or potential health problem; and
- (3) "Treatment" means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen; [1993, c. 600, Pt. A, §110 (AMD).]

A. (TEXT EFFECTIVE 1/1/15) Diagnosis and treatment of human responses to actual or potential physical and emotional health problems through such services as case finding, health teaching, health counseling and provision of care supportive to or restorative of life and well-being and execution of the medical regimen as prescribed by a legally authorized licensed professional acting within the scope of the licensed professional's authority to prescribe medications, substances or devices or otherwise legally

authorized individual acting under the delegated authority of a legally authorized licensed professional acting within the scope of the licensed professional's authority to prescribe medications, substances or devices:

- (1) "Diagnosis" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. This diagnostic privilege is distinct from medical diagnosis;
- (2) "Human responses" means those signs, symptoms and processes that denote the individual's health needs or reaction to an actual or potential health problem; and
- (3) "Treatment" means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen; [2013, c. 540, §1 (AMD); 2013, c. 540, §2 (AFF).]

B. [1995, c. 379, §11 (AFF); 1995, c. 379, §3 (RP).]

C. Delegation of selected nursing services to licensed practical nurses when the services use standardized protocols and procedures leading to predictable outcomes in the observation and care of the ill, injured and infirm; in the maintenance of health; in action to safeguard life and health; and in the administration of medications and treatments prescribed by an individual authorized by state law to prescribe. The board shall issue such rules concerning delegation as it considers necessary to ensure quality health care to the patient; [1993, c. 600, Pt. A, §110 (AMD).]

D. Delegation of selected nursing services to assistants to nurses who have completed or are currently enrolled in a course sponsored by a state-approved facility or a facility licensed by the Department of Health and Human Services. This course must include a curriculum approved by the board. The board shall issue such rules concerning delegation as it considers necessary to ensure quality of health care to the patient; [1995, c. 625, Pt. B, §11 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

E. Supervision and teaching of nursing personnel; [1985, c. 724, §2 (RPR).]

F. Administration of medications and treatment as prescribed by a legally authorized individual. Nothing in this section may be construed as limiting the administration of medication by licensed or unlicensed personnel as provided in other laws; [1995, c. 670, Pt. C, §4 (AMD); 1995, c. 670, Pt. D, §5 (AFF).]

G. Teaching activities of daily living to care providers designated by the patient and family; and [1995, c. 670, Pt. C, §5 (AMD); 1995, c. 670, Pt. D, §5 (AFF).]

H. Coordination and oversight of patient care services provided by unlicensed health care assistive personnel. Nothing in this paragraph prohibits a nurse in the exercise of professional judgment from refusing to provide such coordination and oversight in any care setting. The board shall adopt, pursuant to Title 5, chapter 375, subchapter II-A, major substantive rules for the application of this paragraph to nursing practice. [1995, c. 670, Pt. C, §6 (NEW); 1995, c. 670, Pt. D, §5 (AFF).]

[1995, c. 625, Pt. B, §11 (AMD); 1995, c. 670, Pt. C, §§4-6 (AMD); 1995, c. 670, Pt. D, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV); 2013, c. 540, §1 (AMD); 2013, c. 540, §2 (AFF).]

**2-A. Advanced practice registered nursing.** "Advanced practice registered nursing" means the delivery of expanded professional health care by an advanced practice registered nurse that is:

A. [2003, c. 204, Pt. H, §1 (RP).]

B. Within the advanced practice registered nurse's scope of practice as specified by the board by rulemaking, taking into consideration any national standards that exist; and [1995, c. 379, §4 (NEW); 1995, c. 379, §11 (AFF).]

C. In accordance with the standards of practice for advanced practice registered nurses as specified by the board by rulemaking, taking into consideration any national standards that may exist. Advanced practice registered nursing includes consultation with or referral to medical and other health care providers when required by client health care needs. [1995, c. 379, §4 (NEW); 1995, c. 379, §11 (AFF).]

A certified nurse practitioner or a certified nurse midwife who qualifies as an advanced practice registered nurse may prescribe and dispense drugs or devices, or both, in accordance with rules adopted by the board.

A certified nurse practitioner who qualifies as an advanced practice registered nurse must practice, for at least 24 months, under the supervision of a licensed physician or a supervising nurse practitioner or must be employed by a clinic or hospital that has a medical director who is a licensed physician. The certified nurse practitioner shall submit written evidence to the board upon completion of the required clinical experience.

The board shall adopt rules necessary to effectuate the purposes of this chapter relating to advanced practice registered nursing.

[ 2007, c. 316, §1 (AMD) .]

**3. Practical nursing.** The practice of "practical nursing" means performing tasks and responsibilities, by a licensed practical nurse, for compensation within a structured health care setting, reinforcing the patient and family teaching program through health teaching, health counseling and provision of supportive and restorative care, under the direction of a registered nurse or licensed or otherwise legally authorized physician, podiatrist or dentist.

[ 1991, c. 731, §2 (AMD) .]

**4. License.** A "license" is an authorization to practice nursing as a professional nurse, practical nurse or advanced practice registered nurse.

[ 2007, c. 498, §1 (AMD); 2007, c. 498, §3 (AFF) .]

**5. Professional nurse.** The terms "professional nurse," "registered nurse" or "registered professional nurse" mean an individual who is currently licensed under this chapter and who practices professional nursing as defined in subsection 2. "R.N." is the abbreviation for the title of "registered professional nurse."

[ 1993, c. 600, Pt. A, §111 (AMD) .]

**5-A. Advanced practice registered nurse.** "Advanced practice registered nurse" means an individual who is currently licensed under this chapter to practice advanced practice registered nursing as defined in subsection 2-A. "A.P.R.N." is the abbreviation for the title of "advanced practice registered nurse." An advanced practice registered nurse may use the abbreviation "A.P.R.N." or the title or abbreviation designated by the national certifying body.

"Advanced practice registered nurse" includes a certified nurse practitioner, a certified nurse midwife, a certified clinical nurse specialist and a certified nurse anesthetist who are licensed under this chapter to practice advanced practice registered nursing.

[ 2007, c. 498, §2 (AMD); 2007, c. 498, §3 (AFF) .]

**6. Licensed practical nurse.** The term "licensed practical nurse" means an individual who is currently licensed under this chapter and who practices practical nursing as defined in subsection 3. "L.P.N." is the abbreviation for the title of "licensed practical nurse."

[ 1993, c. 600, Pt. A, §111 (AMD) .]

**7. Approved nursing school.** An "approved nursing school" or "approved nursing education program" means a school of nursing or a nursing department or division of a university or college or a school for the education of practical nurses approved by the board as provided in this chapter.

[ 1985, c. 724, §4 (AMD) .]

**8. Certified nursing assistant.** "Certified nursing assistant" means an individual whose duties are assigned by a registered professional nurse and who:

A. Has successfully completed a training program or course with a curriculum prescribed by the board, holds a certificate of training from that program or course and is listed on the Maine Registry of Certified Nursing Assistants and Direct Care Workers; or [2011, c. 257, §19 (AMD) .]

B. Was certified before September 29, 1987 and is listed on the Maine Registry of Certified Nursing Assistants and Direct Care Workers. [2011, c. 257, §20 (AMD) .]

[ 2011, c. 257, §§19, 20 (AMD) .]

**9. Maine Registry of Certified Nursing Assistants and Direct Care Workers.** "Maine Registry of Certified Nursing Assistants and Direct Care Workers" has the same meaning as in Title 22, section 1812-G.

[ 2011, c. 257, §21 (AMD) .]

**10. Supervising nurse practitioner.** "Supervising nurse practitioner" means a certified nurse practitioner who qualifies as an advanced practice registered nurse who has:

A. Completed 24 months of supervised practice in accordance with subsection 2-A; [2007, c. 316, §2 (NEW) .]

B. Practiced as an advanced practice registered nurse for a minimum of 5 years in the same speciality; [2007, c. 316, §2 (NEW) .]

C. Worked in a clinical health care field for a minimum of 10 years; and [2007, c. 316, §2 (NEW) .]

D. Been approved by the board. [2007, c. 316, §2 (NEW) .]

The board shall adopt rules necessary to effectuate the purposes of this chapter relating to supervising nurse practitioners. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2007, c. 316, §2 (NEW) .]

#### SECTION HISTORY

1967, c. 263, §2 (AMD). 1973, c. 495, §§1,2 (AMD). 1973, c. 737, §1 (AMD). 1973, c. 788, §155 (AMD). 1977, c. 395, §§1, 2 (AMD). 1977, c. 497, §10 (AMD). 1977, c. 696, §244 (AMD). 1985, c. 724, §§2-4 (AMD). 1985, c. 748, §42 (AMD). 1985, c. 819, §§A27, 28 (AMD). 1987, c. 195, §3 (AMD). 1991, c. 421, §§2, 3 (AMD). 1991, c. 731, §§1, 2 (AMD). 1993, c. 600, §§A109-112 (AMD). 1995, c. 379, §§3-5 (AMD). 1995, c. 379, §11 (AFF). 1995, c. 625, §B11 (AMD). 1995, c. 670, §§C4-6 (AMD). 1995, c. 670, §D5 (AFF). RR 2001, c. 2, §A42 (COR). 2003, c. 204, §H1 (AMD). 2003, c. 510, §B10 (AMD). 2003, c. 689, §B6 (REV). 2007, c. 316, §§1, 2 (AMD). 2007, c. 498, §§1, 2 (AMD). 2007, c. 498, §3 (AFF). 2011, c. 257, §§19-21 (AMD). 2013, c. 540, §1 (AMD). 2013, c. 540, §2 (AFF) .

## §2103. EXCEPTIONS

This chapter does not prohibit:

**1. Emergency.** The rendering of nursing assistance in the case of emergency;

[ 1985, c. 724, §5 (AMD) . ]

**2. Students.** The practice of nursing that is an integral part of a program by students enrolled in board-approved nursing education programs leading to initial licensure, or the practice of nursing by graduates of board-approved programs who are participating in a structured orientation program specifically designed for graduates of board-approved nursing programs as defined by the board, if they practice under on-site delegation and supervision of a registered professional nurse and only in the practice setting. The board may, by rule or by policy, define what constitutes supervision and a practice setting;

[ 2005, c. 163, §1 (AMD) . ]

**3. United States Government.**

[ 1985, c. 724, §7 (RP) . ]

**4. Licensure in another state or jurisdiction.** The practice of:

A. Nursing by a registered nurse or a licensed practical nurse currently licensed in another state or United States territory for a period of 90 days pending licensure in the State if the nurse, upon employment, has furnished the employer with satisfactory evidence of current licensure in another state or United States territory and the nurse furnishes a letter of authorization to the prospective employer of having submitted proper application and fees to the board for licensure prior to employment; [ 2003, c. 204, Pt. H, §2 (AMD) . ]

B. A currently licensed nurse of another United States jurisdiction or foreign country who is providing educational programs or consultative services within this State for a period not to exceed a total of 21 days per year; [1993, c. 600, Pt. A, §113 (AMD) . ]

C. A currently licensed nurse of another state who is transporting patients into, out of or through this State. The exemption is limited to a period not to exceed 48 hours for each transport; [ 2003, c. 204, Pt. H, §2 (AMD) . ]

D. Nursing in this State by a currently licensed nurse whose employment was contracted outside this State but requires the nurse to accompany and care for the patient while in this State. This practice is limited to the particular patient to 3 months within one year and is at the discretion of the board; or [1993, c. 600, Pt. A, §113 (AMD) . ]

E. Nursing by a registered nurse or licensed practical nurse currently licensed in a jurisdiction outside the United States or its territories for a period not to exceed 90 days pending receipt of a United States social security number as long as all other requirements for licensure have been submitted and verified and the registered or licensed nurse has furnished upon employment satisfactory evidence of current licensure in another jurisdiction and the nurse furnishes a letter of authorization to the prospective employer of having submitted proper application and fees to the board for licensure prior to employment; [ 2003, c. 204, Pt. H, §2 (NEW) . ]

[ 2003, c. 204, Pt. H, §2 (AMD) . ]

**5. Practice of practical nursing.**

[ 1967, c. 263, §4 (RP) . ]

**6. Nursing services; practice of religious principles.** Nursing services performed in accordance with the practice of the religious principles or tenets of a church or denomination that relies upon prayer or spiritual means alone for healing; or

[ 2003, c. 204, Pt. H, §3 (AMD) .]

**7. Nursing services by successful candidates of the National Council of State Boards of Nursing, Inc.'s National Council Licensure Examination pending receipt of United States social security number.**

The practice of nursing for a period not to exceed 90 days by an applicant for licensure as a registered professional nurse or practical nurse who has passed the National Council of State Boards of Nursing, Inc.'s National Council Licensure Examination and has met all requirements for licensure except obtaining a United States social security number, as required by Title 36, section 175.

[ 2005, c. 163, §2 (AMD) .]

#### SECTION HISTORY

1967, c. 263, §§3,4 (AMD). 1985, c. 724, §§5-9 (AMD). 1993, c. 600, §A113 (AMD). 1999, c. 386, §H1 (AMD). 2001, c. 260, §D1 (AMD). 2003, c. 204, §§H2-4 (AMD). 2005, c. 163, §§1,2 (AMD).

## §2104. EDUCATION PROGRAMS

**1. Application for approval.** An institution desiring to conduct a nursing education program to prepare professional or practical nurses must apply to the board and submit evidence that:

- A. It is prepared to carry out the prescribed professional nursing curriculum or the prescribed curriculum for practical nursing, as the case may be; and
- B. It is prepared to meet other standards as established by this chapter and by the board. [1993, c. 600, Pt. A, §114 (AMD) .]

[ 1993, c. 600, Pt. A, §114 (AMD) .]

**2. Survey.** A survey of the institution and its entire nursing education program must be made by either or both the executive director or other authorized appointee of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an approved nursing education program are met, the institution must be approved as a nursing education program for professional or practical nurses.

From time to time as determined necessary by the board, it is the duty of the board, through its executive director or other authorized representative of the board, to survey all nursing education programs in the State. Written reports of the surveys must be submitted to the board. If the board determines that an approved nursing education program is not maintaining the standards required by statute and by the board, notice in writing specifying the defect or defects must be immediately given to the institution conducting the program. If a program fails to correct these conditions to the satisfaction of the board within a reasonable time, the board shall take appropriate action pursuant to section 2153.

[ 1993, c. 600, Pt. A, §114 (AMD) .]

**3. In-service training.** Nothing in this chapter applies to in-service teaching or training programs for paramedical personnel.



**4. Approval and monitoring of nursing assistant training curriculum and faculty.** An educational institution or health care facility desiring to conduct an educational program for nursing assistants to prepare individuals for a certificate of training and subsequent listing on the Maine Registry of Certified Nursing Assistants and Direct Care Workers must apply to the Department of Health and Human Services and submit evidence:

- A. That it is prepared to carry out the curriculum for nursing assistants as prescribed by the board; [1993, c. 600, Pt. A, §114 (AMD).]
- B. That it is prepared to meet those standards established by the board; [1993, c. 600, Pt. A, §114 (AMD).]
- C. That it is prepared to meet those standards for educational programming and faculty as established by the Department of Health and Human Services; and [2009, c. 628, §3 (AMD).]
- D. With respect to an application by a health care facility, that an educational institution cannot provide a nursing assistant training program within 30 days of the application date. [1993, c. 600, Pt. A, §114 (AMD).]

The Department of Health and Human Services shall issue a notice of approval to an educational institution or health care facility that meets the requirements of this subsection.

[ 2011, c. 257, §22 (AMD) .]

#### SECTION HISTORY

1985, c. 724, §10 (AMD). 1987, c. 195, §4 (AMD). 1989, c. 700, §A145 (AMD). 1991, c. 421, §4 (AMD). 1993, c. 600, §A114 (AMD). 2009, c. 628, §3 (AMD). 2011, c. 257, §22 (AMD).

## **§2104-A. NURSE ORIENTATION IN INSTITUTIONS**

A nurse who is employed in a hospital or nursing home and involved in direct patient care shall, at the beginning of the nurse's employment, participate in an individualized controlled learning experience adjusted for competency based upon practice standards and protocols. Each hospital or nursing home shall develop a plan with the employee for compliance with this section, which must contain a mutually agreed upon completion date. A copy of the plan must be made a part of the nurse's personnel file. The staffing plan for the hospital or nursing home must reflect current trainee competence. [1993, c. 600, Pt. A, §115 (AMD).]

#### SECTION HISTORY

1989, c. 579, §7 (NEW). 1993, c. 600, §A115 (AMD).

## **§2105. DISCIPLINARY PROCEEDINGS**

***(REPEALED)***

#### SECTION HISTORY

1973, c. 303, §3 (AMD). 1977, c. 694, §590 (AMD). 1983, c. 378, §20 (RP).

## **§2105-A. DISCIPLINARY ACTIONS**

### **1. Disciplinary proceedings and sanctions.**

[ 1985, c. 724, §11 (RP) .]

**1-A. Disciplinary proceedings and sanctions.** The board shall investigate a complaint, on its own motion or upon receipt of a written complaint filed with the board, regarding noncompliance with or violation of this chapter or of rules adopted by the board. Investigation may include a hearing before the board to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise considered necessary to the fulfillment of its responsibilities under this chapter. The board may subpoena witnesses, records and documents, including records and documents maintained by a health care facility, in an investigation or hearing it conducts.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but, absent unusual circumstances justifying the delay, not later than 60 days from receipt of this information. The licensee shall respond within 30 days. The board shall share the licensee's response with the complainant, unless the board determines that it would be detrimental to the health of the complainant to obtain the response. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and the complaint is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the licensee with adequate notice of the conference and of the issues to be discussed. The complainant may attend the conference and may be accompanied by up to 2 individuals, including legal counsel. The conference must be conducted in executive session of the board or its subcommittee, pursuant to Title 1, section 405, unless otherwise requested by the licensee. Before the board or its subcommittee decides what action to take at the conference or as a result of the conference, the board or its subcommittee shall give the complainant a reasonable opportunity to speak. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent.

When a complaint has been filed against a licensee and the licensee moves or has moved to another state, the board may report to the appropriate licensing board in that state the complaint that has been filed, other complaints in the licensee's record on which action was taken and disciplinary actions of the board with respect to that licensee.

When an individual applies for a license under this chapter, the board may investigate the professional record of that individual, including professional records that the individual may have as a licensee in other states. The board may deny a license or authorize a restricted license based on the record of the applicant in other states.

If the board or its subcommittee finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, the board or its subcommittee may take any of the following actions the board or its subcommittee considers appropriate:

- A. Warn, censure or reprimand; [1985, c. 724, §12 (NEW).]
- B. With the consent of the licensee, enter into a consent agreement that fixes the period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General's office; [1993, c. 600, Pt. A, §116 (AMD).]
- C. In consideration for acceptance of a voluntary surrender of the license, negotiate stipulations, including terms and conditions for reinstatement that ensure protection of the public health and safety and serve to rehabilitate or educate the licensee. These stipulations may be set forth only in a consent agreement signed by the board, the licensee and the Attorney General's office; [1993, c. 600, Pt. A, §116 (AMD).]
- D. If the board or its subcommittee concludes that modification or nonrenewal of the license is in order, hold an adjudicatory hearing in accordance with the provisions of Title 5, chapter 375, subchapter 4; or [2013, c. 23, §1 (AMD).]

E. If the board or its subcommittee concludes that suspension or revocation of the license is in order, file a complaint in the District Court in accordance with Title 4, chapter 5. [2001, c. 260, Pt. D, §2 (AMD).]

[2013, c. 23, §1 (AMD).]

**2. Grounds for discipline.** The board may suspend or revoke a license pursuant to Title 5, section 10004. The following are grounds for an action to refuse to issue, modify, suspend, revoke or refuse to renew the license of an individual licensed under this chapter:

A. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued; [1983, c. 378, §21 (NEW).]

B. Misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [2013, c. 105, §5 (AMD).]

C. A professional diagnosis of a mental or physical condition that has resulted or is foreseeably likely to result in the licensee performing the licensee's duties in a manner that endangers the health or safety of the licensee's patients; [1993, c. 600, Pt. A, §116 (AMD).]

D. Aiding or abetting the practice of nursing by an individual not licensed under this chapter and who claims to be legally licensed; [1993, c. 600, Pt. A, §116 (AMD).]

E. Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:

(1) Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public; or

(2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed; [1993, c. 600, Pt. A, §116 (AMD).]

F. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed; [1993, c. 600, Pt. A, §116 (AMD).]

G. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or conviction of a crime for which incarceration for one year or more may be imposed; [1993, c. 600, Pt. A, §116 (AMD).]

H. A violation of this chapter or a rule adopted by the board; or [1993, c. 600, Pt. A, §116 (AMD).]

I. Engaging in false, misleading or deceptive advertising. [1983, c. 378, §21 (NEW).]

[2013, c. 105, §5 (AMD).]

**3. Confidentiality of information.** Reports, information or records provided to the board by a health care facility pursuant to this chapter are confidential insofar as the reports, information or records identify or permit identification of a patient, except that the board may disclose confidential information:

A. In an adjudicatory hearing or informal conference before the board or in a subsequent formal proceeding to which the information is relevant; and [1993, c. 600, Pt. A, §116 (AMD).]

B. In a consent agreement or other written settlement when the information constitutes or pertains to the basis of board action. [1993, c. 600, Pt. A, §116 (AMD).]

A copy of a report, information or record received by the board under this subsection must be provided to the licensee.

[ 1993, c. 600, Pt. A, §116 (AMD) .]

**4. Authority to request mental and physical examinations.** For the purposes of this section, by application for and acceptance of a license to practice, a nurse is considered to have given consent to a mental or physical examination when directed by the board. The board may direct a nurse to submit to an examination whenever the board determines the nurse may be suffering from a mental illness that may be interfering with the competent practice of nursing or from the use of intoxicants or drugs to an extent that they are preventing the nurse from practicing nursing competently and with safety to patients. A nurse examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual in a proceeding under subsection 1-A. Failure to comply with an order of the board to submit to a mental or physical examination results in the immediate suspension of the license of the nurse by order of the District Court until the nurse submits to the examination.

[ 2009, c. 47, §2 (NEW) .]

**5. Nurse health program.** The board may establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee's reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired nurse from seeking alternative forms of treatment.

The board may contract with other agencies, individuals, firms or associations for the conduct and operation of a nurse health program operated by a professional review committee as that term is defined in Title 24, section 2502, subsection 4-A.

[ 2009, c. 47, §3 (NEW) .]

#### SECTION HISTORY

1983, c. 378, §21 (NEW). 1983, c. 769, §§1,2 (AMD). 1985, c. 724, §§11,12 (AMD). 1993, c. 600, §A116 (AMD). 1999, c. 547, §B62 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 260, §D2 (AMD). 2009, c. 47, §§2, 3 (AMD). 2013, c. 23, §1 (AMD). 2013, c. 105, §5 (AMD).

## §2106. CRIMINAL VIOLATIONS; PENALTIES

It is a crime for any person, including a corporation, or association or individual, to: [1993, c. 600, Pt. A, §117 (AMD).]

**1. Fraudulent diploma or record.** Sell or fraudulently obtain or furnish a nursing diploma, license, renewal or record or provide aid in doing so;

[ 1993, c. 600, Pt. A, §117 (AMD) .]

**2. Fraudulent license.** Practice nursing as defined by this chapter under cover of a diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

[ 1993, c. 600, Pt. A, §117 (AMD) .]

**3. Practice without license.** Practice professional nursing or practical nursing as defined by this chapter unless licensed to do so;

[ 1993, c. 600, Pt. A, §117 (AMD) .]

**4. Implying license.** Use in connection with the person's name a designation tending to imply that the person is a licensed registered nurse or a licensed practical nurse unless so licensed under this chapter;

[ 1993, c. 600, Pt. A, §117 (AMD) .]

**5. License suspended or revoked.** Practice professional nursing or practical nursing during the time the person's license issued under this chapter is suspended or revoked; or

[ 1991, c. 797, §15 (AMD) .]

**6. Violation of chapter.**

[ 2001, c. 421, Pt. B, §97 (RP); 2001, c. 421, Pt. C, §1 (AFF) .]

A person who violates this section commits a Class E crime. [1991, c. 797, §15 (RPR) .]

The District Court has original and concurrent jurisdiction with the Superior Court over all prosecutions for violation of this chapter. All fines and forfeitures collected under this chapter must accrue to the county where the offense is prosecuted. It is necessary to prove in a prosecution or hearing under this section only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation. These crimes are prosecuted by the district attorney. [1993, c. 600, Pt. A, §117 (AMD) .]

**SECTION HISTORY**

1967, c. 263, §5 (AMD). 1973, c. 567, §20 (AMD). 1991, c. 797, §15 (AMD). 1993, c. 600, §A117 (AMD). 2001, c. 421, §B97 (AMD). 2001, c. 421, §C1 (AFF).

## **§2106-A. CIVIL VIOLATIONS; PENALTIES**

A person who violates any provision of this chapter for which a penalty is not prescribed commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged. [2001, c. 421, Pt. B, §98 (NEW); 2001, c. 421, Pt. C, §1 (AFF) .]

**SECTION HISTORY**

2001, c. 421, §B98 (NEW). 2001, c. 421, §C1 (AFF).

## **§2107. INJUNCTIONS**

The Superior Court has jurisdiction, upon information filed by the county attorney at the request of the board, to restrain or enjoin an individual from committing an act declared to be a misdemeanor by this chapter. If it is established that the defendant has been or is committing an act declared to be a misdemeanor by this chapter, the court shall enter a decree perpetually enjoining the defendant from further committing that act. In case of violation of an injunction issued under this section, the court may summarily try and punish the offender for contempt of court. Injunction proceedings are in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. [1993, c. 600, Pt. A, §118 (AMD) .]

**SECTION HISTORY**

1993, c. 600, §A118 (AMD).

## §2108. IMMUNITY

(REPEALED)

### SECTION HISTORY

1971, c. 371, (NEW). 1975, c. 452, §3 (RP).

## §2108-A. IMMUNITY

An individual or health care facility acting in good faith is immune from civil liability to the licensee or applicant for licensure for the following actions: [1993, c. 600, Pt. A, §119 (AMD).]

**1. Making information available to the board.** Making a report or other information available to the board under this chapter; and

[ 1993, c. 600, Pt. A, §119 (AMD) .]

**2. Assisting the board.** Assisting the board in carrying out its duties.

[ 1993, c. 600, Pt. A, §119 (AMD) .]

### SECTION HISTORY

1983, c. 769, §3 (NEW). 1993, c. 600, §A119 (AMD).

## §2109. CONFIDENTIALITY OF PERSONAL INFORMATION OF APPLICANT OR LICENSEE

For applications for licensure and for renewal of licensure submitted on or after July 1, 2004, an applicant or licensee shall provide the board with a current professional address and telephone number, which is the public contact address, and a personal residence address and telephone number. An applicant's or licensee's personal residence address and telephone number, and e-mail address if provided by the applicant, are confidential information and may not be disclosed except as permitted by this section or as required by law unless the personal residence address, telephone number and e-mail address have been provided as the public contact address. Personal health information submitted as part of any application is confidential information and may not be disclosed except as permitted or required by law. [2003, c. 64, §1 (NEW) .]

### SECTION HISTORY

2003, c. 64, §1 (NEW).

## §2110. EXPEDITED PARTNER THERAPY

An individual licensed under this chapter may not be disciplined for providing expedited partner therapy in accordance with the provisions of Title 22, chapter 251, subchapter 3, article 5. [2009, c. 533, §2 (NEW) .]

### SECTION HISTORY

2009, c. 533, §2 (NEW).

## Subchapter 2: STATE BOARD OF NURSING

## §2151. APPOINTMENT; TERM; REMOVAL

The State Board of Nursing, as established by Title 5, section 12004-A, subsection 25, consists of 9 members who are appointed by the Governor. A full-term appointment is for 4 years. Appointment of members must comply with Title 10, section 8009. Members of the board may be removed from office for cause by the Governor. [2007, c. 695, Pt. B, §9 (AMD).]

### SECTION HISTORY

1975, c. 258, §1 (RPR). 1975, c. 575, §28 (AMD). 1975, c. 771, §§350,351 (AMD). 1983, c. 176, §A12 (RPR). 1983, c. 812, §216 (AMD). 1985, c. 280, (AMD). 1985, c. 819, §A29,30 (AMD). 1987, c. 195, §6 (AMD). 1989, c. 503, §B133 (AMD). 1993, c. 600, §A120 (AMD). 2007, c. 695, Pt. B, §9 (AMD).

## §2152. QUALIFICATIONS

Each member of the board must be a citizen of the United States and a resident of this State for at least 3 consecutive years prior to appointment and shall file with the Secretary of State an oath of office before beginning service. The board is composed of: [1993, c. 600, Pt. A, §121 (AMD).]

### 1. Professional nurses. Six professional nurses, each of whom:

A. Must be a graduate of a state-approved educational program in professional nursing; [1985, c. 724, §13 (RPR).]

B. Holds a current state license to practice nursing; and [1993, c. 600, Pt. A, §121 (AMD).]

C. Has at least 3 years' experience in active practice immediately preceding appointment. [1985, c. 724, §13 (RPR).]

A minimum of 2 professional nurses must be active in an approved educational program in nursing. A minimum of 2 professional nurses must be active in nursing service. One of the professional nurse members of the board must be practicing long-term care nursing. One of the professional nurse members of the board must be an advanced practice registered nurse;

[ 1995, c. 379, §6 (AMD) .]

### 2. Licensed practical nurse. One licensed practical nurse who:

A. Must be a graduate of a state-approved educational program in practical nursing; [1993, c. 600, Pt. A, §121 (AMD).]

B. Holds a current state license to practice practical nursing; and [1993, c. 600, Pt. A, §121 (AMD).]

C. Has at least 3 years' experience in active practice immediately preceding appointment; and [1985, c. 724, §13 (NEW).]

[ 1995, c. 379, §6 (AMD) .]

**3. Public members.** Two public members. A person may not qualify for appointment as a public member of the board if that person or a member of that person's immediate family is serving as:

A. A member of another state licensing board; [1993, c. 600, Pt. A, §121 (AMD).]

B. On the board of another health care agency; and [1993, c. 600, Pt. A, §121 (AMD).]

C. Engaged for compensation in the provision of health services or the provision of health research, instruction or insurance. [1985, c. 724, §13 (NEW).]

[ 1993, c. 600, Pt. A, §121 (AMD) .]

#### SECTION HISTORY

1975, c. 258, §2 (RPR). 1985, c. 724, §13 (RPR). 1993, c. 600, §A121 (AMD). 1995, c. 379, §6 (AMD).

## §2153. POWERS AND DUTIES

*(REPEALED)*

#### SECTION HISTORY

1969, c. 552, §3 (AMD). 1971, c. 328, §2 (AMD). 1975, c. 575, §29 (AMD). 1977, c. 78, §179 (AMD). 1977, c. 604, §§20,21 (AMD). 1985, c. 724, §§14,15 (AMD). 1985, c. 748, §42 (AMD). 1985, c. 819, §§A31,32 (AMD). 1993, c. 600, §A122 (RP). 1993, c. 659, §§B8,9 (AMD). 1995, c. 462, §A89 (AFF).

## §2153-A. POWERS AND DUTIES

The board shall hold annual meetings at which it shall elect from its members a chair and a secretary. It may hold such other meetings during the year as it determines necessary to transact its business. Special meetings must be called by the secretary on the request of 2 members. Five members of the board constitute a quorum at a meeting. [1993, c. 600, Pt. A, §123 (NEW).]

The board: [1993, c. 600, Pt. A, §123 (NEW).]

**1. Bylaws.** May adopt bylaws, rules for the transaction of the business of the board and the government and management of its affairs, not inconsistent with the laws of this State and of the United States, as it considers expedient;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**2. Seal.** May adopt a seal, which must be placed in the care of the executive director;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**3. Curricula.** May prescribe curricula and standards for educational programs preparing individuals for licensure under this chapter;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**4. Surveys.** May provide for surveys of the programs described in subsection 3 as it determines necessary;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**5. Approval.** May approve such nursing educational programs within the State as meet the requirements of this chapter and of the board;

[ 1993, c. 600, Pt. A, §123 (NEW) .]



**6. Denial.** May place nursing educational programs on probation, or warn, or deny, condition, withdraw or discontinue approval from nursing educational programs for failure to meet approved curricula or other standards as established by this chapter or pursuant to law;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**7. Licenses.** May examine, license and renew the licenses of qualified applicants;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**8. Prosecution.** May cause the prosecution and enjoinder of individuals violating this chapter and incur necessary expenses for those activities;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**9. Records.** May keep a record of all its proceedings;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**10. Report.** May make an annual report to the Commissioner of Professional and Financial Regulation for each fiscal year showing its receipts and disbursements and giving a full account of its activities during the previous 12-month period;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**11. Budget.** Shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change unless alterations are mutually agreed upon by the Department of Professional and Financial Regulation and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter;

[ 1995, c. 625, Pt. A, §37 (RPR) .]

**12. Executive and assistant director.** May appoint and employ qualified individuals, not members of the board, to serve as executive director and assistant executive director to the board, fix their compensation and define their duties;

[ 1993, c. 600, Pt. A, §123 (NEW) .]

**13. Other employees.** May employ other individuals as may be necessary to carry out the work of the board;

[ 2011, c. 1, Pt. AA, §2 (AMD) .]

**14. Funds.** May set aside and budget funds for, make contracts for, and procure goods or services the board determines necessary to accomplish its duties under this chapter; and

[ 2011, c. 1, Pt. AA, §3 (AMD) .]

**15. Accept federal funds.** Notwithstanding section 2156, may accept for the State any federal funds appropriated under any federal law relating to the authorized programs of the board. The board may undertake the necessary duties and tasks to implement federal law with respect to the authorized programs of the board.

[ 2011, c. 1, Pt. AA, §4 (NEW) .]

#### SECTION HISTORY

1993, c. 600, §A123 (NEW). 1995, c. 397, §§41,42 (AMD). 1995, c. 462, §§A56,57 (AMD). 1995, c. 625, §§A37,38 (AMD). 2005, c. 163, §3 (AMD). 2011, c. 1, Pt. AA, §§2-4 (AMD).

### **§2153-B. LIAISON; LIMITATIONS**

The Commissioner of Professional and Financial Regulation shall act as a liaison between the board and the Governor. The commissioner may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter. [2005, c. 163, §4 (NEW).]

#### SECTION HISTORY

2005, c. 163, §4 (NEW).

### **§2154. QUALIFICATIONS OF EXECUTIVE EMPLOYEE**

The executive director must meet all the qualifications for professional nurse board members required in section 2152 and must, in addition, hold a master's degree in nursing. [1993, c. 600, Pt. A, §124 (AMD) .]

#### SECTION HISTORY

1975, c. 258, §3 (AMD). 1985, c. 724, §16 (AMD). 1993, c. 600, §A124 (AMD).

### **§2155. COMPENSATION**

Eligible members of the board shall be compensated according to the provisions of Title 5, chapter 379. [1985, c. 724, §17 (AMD).]

#### SECTION HISTORY

1979, c. 39, (RPR). 1983, c. 812, §217 (AMD). 1985, c. 724, §17 (AMD).

### **§2156. DISPOSITION OF FUNDS**

All money received by the board under this chapter must be paid to the Treasurer of State. The Treasurer of State shall place the money to the credit of the State Board of Nursing Fund. All amounts paid into this fund must be held subject to the order of the board to be used only for the expenses incurred in the performance of the purpose of this chapter and the duties imposed by it as well as the promotion of nursing education and standards of nursing care in this State. [1993, c. 600, Pt. A, §125 (AMD) .]

#### SECTION HISTORY

1993, c. 600, §A125 (AMD).

### **§2157. NURSING EDUCATION MOBILITY ADVISORY GROUP (REPEALED)**

## SECTION HISTORY

1989, c. 609, §2 (NEW). 1991, c. 622, §S32 (RP).

## Subchapter 3: REGISTERED NURSES

**§2201. QUALIFICATIONS**

An applicant for a license to practice professional nursing shall submit to the board written evidence, verified by oath, that the applicant:

**1. Character.**

[ 1983, c. 378, §22 (RP) .]

**2. High school.**

[ 2003, c. 204, Pt. H, §5 (RP) .]

**3. Professional school.** Has completed a course of study of not less than 2 years in an approved program in professional nursing and holds a degree, diploma or certificate.

In case of transfer of a student from one approved school of nursing to another, the time allowance for previous preparation must be determined by the board, except that not less than one year must have been spent in the school from which the diploma is received. In case of transfer of a student because of closing of a school of nursing, the board shall determine the length of time required to be spent in the school of nursing granting the diploma.

[ 1993, c. 600, Pt. A, §126 (AMD) .]

## SECTION HISTORY

1983, c. 378, §22 (AMD). 1985, c. 724, §18 (AMD). 1987, c. 402, §A169 (AMD). 1993, c. 600, §A126 (AMD). 2003, c. 204, §H5 (AMD).

**§2201-A. QUALIFICATIONS FOR ADVANCED PRACTICE REGISTERED NURSE**

An applicant for approval to practice advanced practice registered nursing shall submit to the board written evidence verified by oath that the applicant: [1995, c. 379, §7 (NEW); 1995, c. 379, §11 (AFF).]

**1. License.** Holds a current license to practice as a registered professional nurse in this State;

[ 1995, c. 379, §7 (NEW); 1995, c. 379, §11 (AFF) .]

**2. Education.** Has successfully completed a formal education program that is acceptable to the board in an advanced nursing specialty area; and

[ 1995, c. 379, §7 (NEW); 1995, c. 379, §11 (AFF) .]

**3. Credential.** Holds a current certification credential for advanced nursing from a national certifying body whose certification program is acceptable to the board.

[ 1995, c. 379, §7 (NEW); 1995, c. 379, §11 (AFF) .]

A registered professional nurse who is approved by the board to practice in accordance with former section 2102, subsection 2, paragraph B on the effective date of this section is considered to have met the requirements of subsections 2 and 3. [1995, c. 379, §7 (NEW); 1995, c. 379, §11 (AFF).]

#### SECTION HISTORY

1995, c. 379, §7 (NEW). 1995, c. 379, §11 (AFF).

## §2202. LICENSES; EXAMINATION

The applicant is required to pass a written examination in subjects determined necessary by the board to ascertain the fitness of the applicant to practice professional nursing. If the applicant successfully passes the examination, the board shall issue to the applicant a license to practice professional nursing as a registered nurse, the license to be in force for a period of at least one year until the birth date of the licensee. The initial license is renewable as provided in section 2206. [1993, c. 600, Pt. A, §127 (AMD).]

#### SECTION HISTORY

1985, c. 724, §19 (AMD). 1991, c. 153, §1 (AMD). 1991, c. 153, §5 (AFF). 1993, c. 600, §A127 (AMD).

## §2202-A. CERTIFICATES; NURSING ASSISTANTS

*(REPEALED)*

#### SECTION HISTORY

1987, c. 195, §5 (NEW). 1989, c. 700, §A146 (AMD). 1991, c. 421, §5 (RP).

## §2202-B. CERTIFICATION FEE; DISPOSITION OF FEE; NURSING ASSISTANTS

**1. Fees authorized.** The Commissioner of Health and Human Services may assess fees for certification of nursing assistants, for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates.

[ 2009, c. 628, §4 (AMD) .]

**2. Amounts.** Amounts of fees are as follows:

A. For competency testing, \$45, which must be included in the training course fee; [ 2009, c. 628, §4 (AMD) .]

B. For initial certificate, \$5; [1991, c. 528, Pt. III, §24 (NEW); 1991, c. 528, Pt. RRR, (AFF); 1991, c. 591, Pt. III, §24 (NEW).]

C. For replacement certificate, \$5; [1991, c. 528, Pt. III, §24 (NEW); 1991, c. 528, Pt. RRR, (AFF); 1991, c. 591, Pt. III, §24 (NEW).]

D. For letter of verification of completion of a certified nursing assistant program, \$20; [ 2009, c. 628, §4 (AMD) .]

E. For converted certificate, \$5; [1993, c. 435, §12 (AMD).]

F. For renewal certificate, \$5; and [1993, c. 435, §12 (AMD).]

G. For validation of test results, \$5. [1993, c. 435, §13 (NEW).]

[ 2009, c. 628, §4 (AMD) .]

**3. Accounting.** The Commissioner of Health and Human Services shall:

A. Collect and account for testing and certification fees; and [1991, c. 528, Pt. III, §24 (NEW); 1991, c. 528, Pt. RRR, (AFF); 1991, c. 591, Pt. III, §24 (NEW).]

B. Report and pay fees to the Treasurer of State to be credited to the General Fund. [1991, c. 528, Pt. III, §24 (NEW); 1991, c. 528, Pt. RRR, (AFF); 1991, c. 591, Pt. III, §24 (NEW).]

[ 2009, c. 628, §4 (AMD) .]

**4. Staff.** The Commissioner of Health and Human Services shall employ staff necessary to carry out the requirements of this section.

[ 2009, c. 628, §4 (AMD) .]

## SECTION HISTORY

1991, c. 528, §III24 (NEW). 1991, c. 528, §RRR (AFF). 1991, c. 591, §III24 (NEW). 1993, c. 435, §§11-13 (AMD). 2009, c. 628, §4 (AMD).

**§2203. -- PLACE**

*(REPEALED)*

## SECTION HISTORY

2005, c. 163, §5 (RP).

**§2204. EXAMINATION; TIME**

The board shall hold at least one examination annually at a place and at a time determined by the board. [1993, c. 600, Pt. A, §128 (AMD).]

## SECTION HISTORY

1993, c. 600, §A128 (AMD).

**§2205. -- ENDORSEMENT**

*(REPEALED)*

## SECTION HISTORY

1985, c. 361, §1 (RP).

**§2205-A. LICENSURE OF PERSONS LICENSED BY ANOTHER JURISDICTION**

The board may issue a license to practice professional nursing as a registered professional nurse under the following circumstances. [1985, c. 361, §2 (NEW).]

**1. Applicants licensed by other states, United States territories and Canadian provinces.** The board may issue a license without examination of the applicant by the board to an applicant licensed to practice by a state or territory of the United States or a province of Canada if the applicant:

A. Has graduated from an educational program approved by the official approving authority of a state or territory of the United States or a province of Canada, which at the time of graduation had standards considered by the board to be equivalent to those of Maine schools; [1985, c. 361, §2 (NEW) .]

B. Has been duly licensed by examination by the nursing board of a state or territory of the United States or a province of Canada, provided that the examination is considered by the board to be equivalent in all essentials to Maine's examination and provided that the license of the applicant is in good standing and that there is no cause for suspension or revocation of that license. Acceptable examinations include the State Board Examination, State Board Test Pool Examination, the National Council Licensure Examination and, for a person licensed prior to December 31, 2006, the Canadian Nurses' Association Testing Service Examination; and [2005, c. 473, §1 (AMD).]

C. If licensed in the other jurisdiction by passing an examination in a language other than English, has passed the Test of English as a Foreign Language. The board shall provide information regarding the test to applicants who are required to take that test. [1985, c. 361, §2 (NEW).]

[ 2005, c. 473, §1 (AMD) .]

**2. Applicants licensed by other jurisdictions.** The board may issue a license to an applicant licensed to practice by a jurisdiction other than those listed in subsection 1, if the applicant:

A. Has graduated from an educational program approved by the official approving authority of a jurisdiction other than those listed in subsection 1, which at the time of graduation had standards considered by the board to be equivalent to those of Maine schools; [1985, c. 361, §2 (NEW) .]

B. Has been duly licensed by examination by the nursing board of a jurisdiction other than those listed in subsection 1, provided that the examination is considered by the board to be equivalent in all essentials to Maine's examination and provided that the license of the applicant is in good standing and that there is no cause for suspension or revocation of that license; [1985, c. 361, §2 (NEW).]

C. Has passed the National Council Licensure Examination for registered nurses; and [1985, c. 361, §2 (NEW).]

D. If licensed in the other jurisdiction by passing an examination in a language other than English, has either passed the Test of English as a Foreign Language or fulfilled the requirements of paragraph C by passing a test given in English. [1985, c. 361, §2 (NEW).]

[ 1985, c. 361, §2 (NEW) .]

#### SECTION HISTORY

1985, c. 361, §2 (NEW). 2005, c. 473, §1 (AMD).

## §2205-B. APPROVAL AS ADVANCED PRACTICE REGISTERED NURSES

The board may grant approval to practice as an advanced practice registered nurse to a person who qualifies pursuant to section 2201-A. [1995, c. 379, §8 (NEW); 1995, c. 379, §11 (AFF) .]

**1. Temporary approval to practice.** Temporary approval to practice as an advanced practice registered nurse may be granted by the board:

A. For a period of 90 days to an applicant who is currently approved to practice as an advanced practice registered nurse in another jurisdiction with requirements at least equivalent to those of this State; or [1995, c. 379, §8 (NEW); 1995, c. 379, §11 (AFF).]

B. For a period of 12 months to an applicant who meets the requirements of section 2201-A, subsections 1 and 2 and who qualifies to take and takes the next available certification examination. [1995, c. 379, §8 (NEW); 1995, c. 379, §11 (AFF).]

[ 1995, c. 379, §8 (NEW); 1995, c. 379, §11 (AFF) .]

**2. Termination.** The board may terminate a person's advanced practice registered nurse designation when the person no longer holds a current certification credential.

[ 1995, c. 379, §8 (NEW); 1995, c. 379, §11 (AFF) . ]

**3. Delegated performance of services.**

[ 2009, c. 512, §1 (RP) . ]

**4. Supervision of support staff.** A certified nurse practitioner may delegate to the employees or support staff of the certified nurse practitioner certain activities relating to advanced practice registered nursing carried out by custom and usage when the activities are under the control of the certified nurse practitioner. The certified nurse practitioner delegating these activities to such persons is legally liable for the activities of those persons, and any person in this relationship is considered the certified nurse practitioner's agent when performing such delegated activities.

[ 2007, c. 197, §1 (NEW) . ]

**5. Global signature authority of a certified nurse practitioner or certified nurse midwife.** When a provision of law or rule requires a signature, certification, stamp, verification, affidavit or endorsement by a physician, that requirement may be fulfilled by a certified nurse practitioner or a certified nurse midwife. This subsection may not be construed to expand the scope of practice of a certified nurse practitioner or a certified nurse midwife.

[ 2009, c. 259, §1 (NEW) . ]

**SECTION HISTORY**

1995, c. 379, §8 (NEW). 1995, c. 379, §11 (AFF). 2007, c. 197, §1 (AMD). 2009, c. 259, §1 (AMD). 2009, c. 512, §1 (AMD).

## **§2206. RENEWALS**

The license of every registered nurse licensed under this chapter is renewable every 2 years, except as otherwise provided. At least 30 days before the date that the license expires, the board shall mail an application for renewal of license to each professional nurse who holds a valid license. The application must be mailed to the most recent address of that individual as it appears on the records of the board. That individual shall complete the renewal application and return it to the board with the renewal fee designated by the board, but not to exceed \$100, before the expiration date of the license. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a renewal of license for a period of 2 years, expiring on the anniversary of the applicant's birth. [1993, c. 600, Pt. A, §129 (AMD) . ]

A registered nurse who fails to renew the license as provided may be reinstated by the board on satisfactory explanation for failure to renew the license and on payment of a reinstatement fee of \$10 in addition to the current renewal fee. [1993, c. 600, Pt. A, §129 (AMD) . ]

An individual practicing professional nursing during the time the individual's license has lapsed is considered an illegal practitioner and is subject to the penalties provided for violations of this chapter. [1993, c. 600, Pt. A, §129 (AMD) . ]

An individual who is not engaged in professional nursing in the State is not required to pay a renewal fee for as long as the individual does not practice but shall notify the board of inactive status in writing. Prior to resumption of the practice of professional nursing, that individual is required to notify the board and remit a renewal fee for the current period. [1993, c. 600, Pt. A, §129 (AMD) . ]

**SECTION HISTORY**

1965, c. 206, §1 (AMD). 1969, c. 26, §§1,2 (AMD). 1975, c. 114, §§1,2 (AMD). 1983, c. 176, §A13 (RPR). 1985, c. 724, §§20,21 (AMD). 1989, c. 609, §§3,4 (AMD). 1991, c. 153, §2 (AMD). 1991, c. 153, §5 (AFF). 1993, c. 600, §A129 (AMD).

## §2207. REGISTERED NURSE; FEES

Every applicant applying for a license to practice as a registered nurse shall pay a fee to the board as follows:

**1. Examination.** For examination, a fee not to exceed \$100 payable on application;

[ 1993, c. 600, Pt. A, §130 (AMD) .]

**2. Reexamination.** For reexamination, a fee determined by the board not to exceed \$100; and

[ 2005, c. 163, §6 (AMD) .]

**3. Endorsement.** For endorsement, a fee not to exceed \$100 payable on application.

[ 1993, c. 600, Pt. A, §130 (AMD) .]

### SECTION HISTORY

1965, c. 206, §2 (AMD). 1973, c. 283, (AMD). 1975, c. 114, §3 (AMD). 1989, c. 609, §5 (AMD). 1993, c. 600, §A130 (AMD). 2005, c. 163, §6 (AMD).

## §2208. TITLE AND ABBREVIATION

An individual who holds a current license to practice professional nursing in this State has the right to use the title "Registered Nurse" and the abbreviation "R.N." No other individual may assume the title or use the abbreviation or other words, letters, signs or devices to indicate that the individual using the same is a registered nurse. [1993, c. 600, Pt. A, §131 (AMD).]

### SECTION HISTORY

1985, c. 724, §22 (AMD). 1993, c. 600, §A131 (AMD).

## §2209. REGISTRATION UNDER PRIOR LAW

An individual holding a license as a registered nurse in the State issued by the former Board of Registration of Nurses that is valid on September 12, 1959 is licensed as a registered nurse under this chapter, and the renewal of the licenses for those individuals must be effectuated under this section. [1993, c. 600, Pt. A, §132 (AMD).]

### SECTION HISTORY

1993, c. 600, §A132 (AMD).

## Subchapter 4: PRACTICAL NURSES

## §2251. QUALIFICATIONS

*(REPEALED)*

### SECTION HISTORY

1965, c. 206, §§3,4 (AMD). 1967, c. 263, §6 (AMD). 1971, c. 601, §§1,2 (AMD). 1983, c. 378, §23 (AMD). 1985, c. 724, §23 (RP).



## §2251-A. QUALIFICATIONS

An applicant for a license to practice as a licensed practical nurse shall submit to the board written evidence, verified by oath, that the applicant has the following qualifications. [1985, c. 724, §24 (NEW).]

### 1. Education.

[ 2003, c. 204, Pt. H, §6 (RP) .]

**2. Approved program.** The applicant must have completed a prescribed curriculum in a state-approved program for the preparation of practical nurses and holds a diploma or certificate.

[ 1985, c. 724, §24 (NEW) .]

#### SECTION HISTORY

1985, c. 724, §24 (NEW). 1993, c. 600, §A133 (AMD). 2003, c. 204, §H6 (AMD).

## §2252. LICENSE; EXAMINATION

The applicant is required to pass a written examination in subjects considered necessary by the board to determine the fitness of the applicant to practice practical nursing. Upon the applicant's successfully passing the examination, the board shall issue to the applicant a license to practice as a licensed practical nurse, that license to be in force for a period of at least one year until the birth date of the licensee. The initial license is renewable as provided in section 2255. [2005, c. 163, §7 (AMD).]

#### SECTION HISTORY

1983, c. 553, §46 (AMD). 1985, c. 724, §25 (AMD). 1991, c. 153, §3 (AMD). 1991, c. 153, §5 (AFF). 2005, c. 163, §7 (AMD).

## §2253. -- TIME AND PLACE

Time and place of examination shall be as provided in subchapter 3.

## §2254. -- ENDORSEMENT

*(REPEALED)*

#### SECTION HISTORY

1985, c. 361, §3 (RP).

## §2254-A. LICENSURE OF PERSONS LICENSED BY ANOTHER JURISDICTION

The board may issue a license to practice as a licensed practical nurse under the following circumstances: [1985, c. 361, §4 (NEW).]

**1. Applicants licensed by other states, United States territories and Canadian provinces.** The board may issue a license without examination of the applicant by the board to an applicant licensed to practice by a state or territory of the United States or a province of Canada if the applicant:

A. Has graduated from an educational program approved by the official approving authority of a state or territory of the United States or a province of Canada, which at the time of graduation had standards considered by the board to be equivalent to those of Maine schools; [1985, c. 361, §4 (NEW) .]

B. Has been duly licensed by examination by the nursing board of a state or territory of the United States or a province of Canada, provided that the examination is considered by the board to be equivalent in all essentials to Maine's examination and provided that the license of the applicant is in good standing and that there is no cause for suspension or revocation of that license. Acceptable examinations include the State Board Test Pool Examination, the National Council Licensure Examination and, for a person licensed prior to December 31, 2006, the Canadian Nurses' Association Testing Service Examination; and [ 2005, c. 473, §2 (AMD) . ]

C. If licensed in the other jurisdiction by passing an examination in a language other than English, has passed the Test of English as a Foreign Language. The board shall provide information regarding the test to applicants who are required to take that test. [1985, c. 361, §4 (NEW) . ]

[ 2005, c. 473, §2 (AMD) . ]

**2. Applicants licensed by other jurisdictions.** The board may issue a license to an applicant licensed to practice by a jurisdiction other than those listed in subsection 1, if the applicant:

A. Has graduated from an educational program approved by the official approving authority of a jurisdiction other than those listed in subsection 1, which at the time of graduation had standards considered by the board to be equivalent to those of Maine schools; [1985, c. 361, §4 (NEW) . ]

B. Has been duly licensed by examination by the nursing board of a jurisdiction other than those listed in subsection 1, provided that the examination is considered by the board to be equivalent in all essentials to Maine's examination and provided that the license of the applicant is in good standing and that there is no cause for suspension or revocation of that license; [1985, c. 361, §4 (NEW) . ]

C. Has passed the National Council Licensure Examination for practical nurses; and [1985, c. 361, §4 (NEW) . ]

D. If licensed in the other jurisdiction by passing an examination in a language other than English, has either passed the Test of English as a Foreign Language or fulfilled the requirements of paragraph C by passing a test given in English. [1985, c. 361, §4 (NEW) . ]

[ 1985, c. 361, §4 (NEW) . ]

#### SECTION HISTORY

1985, c. 361, §4 (NEW). 2005, c. 473, §2 (AMD).

## §2255. RENEWALS

The license of every practical nurse licensed under this chapter is renewable every 2 years, except as otherwise provided. At least 30 days before the date that the license expires, the board shall mail an application for renewal of license to each practical nurse who holds a valid license. The application must be mailed to the most recent address of that individual as it appears on the records of the board. That individual shall complete the renewal application and return it to the board with the renewal fee designated by the board, but not to exceed \$100, before the expiration date of the license. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a renewal of license for a period of 2 years, expiring on the anniversary of the applicant's birth. [1993, c. 600, Pt. A, §134 (AMD) . ]

A practical nurse who fails to renew the license as provided may be reinstated by the board on satisfactory explanation for failure to renew the license and on payment of a reinstatement fee of \$10 in addition to the renewal fee. [1993, c. 600, Pt. A, §134 (AMD) . ]

An individual practicing nursing as a licensed practical nurse during the time the individual's license has lapsed is considered an illegal practitioner and is subject to the penalties provided for violations of this chapter. [1993, c. 600, Pt. A, §134 (AMD) . ]

An individual who is not engaged in practical nursing in the State is not required to pay a renewal fee as long as the individual does not practice but shall notify the board of inactive status in writing prior to the expiration date of that individual's current license. Before the resumption of practice as a licensed practical nurse and transfer to active status, that individual is required to notify the board, complete a renewal application and remit the current renewal fee. [1993, c. 600, Pt. A, §134 (AMD).]

#### SECTION HISTORY

1965, c. 206, §§5,6 (AMD). 1969, c. 26, §§3,4 (AMD). 1975, c. 114, §§4,5 (AMD). 1983, c. 176, §A14 (RPR). 1985, c. 724, §§26,27 (AMD). 1989, c. 609, §§6,7 (AMD). 1991, c. 153, §4 (AMD). 1991, c. 153, §5 (AFF). 1993, c. 600, §A134 (AMD).

### §2256. LICENSED PRACTICAL NURSE; FEES

Every applicant applying for a license to practice as a licensed practical nurse shall pay a fee to the board as follows:

**1. Examination.** For examination, a fee not to exceed \$100 payable on application;

[ 1993, c. 600, Pt. A, §135 (AMD) .]

**2. Reexamination.** For reexamination, a fee to be determined by the board not to exceed \$100; and

[ 1993, c. 600, Pt. A, §135 (AMD) .]

**3. Endorsement.** For endorsement, a fee not to exceed \$100 payable on application.

[ 1993, c. 600, Pt. A, §135 (AMD) .]

#### SECTION HISTORY

1965, c. 206, §7 (AMD). 1969, c. 26, §5 (AMD). 1975, c. 114, §§6,7 (AMD). 1989, c. 609, §§8,9 (AMD). 1993, c. 600, §A135 (AMD).

### §2257. TITLE AND ABBREVIATION

An individual who holds a current license to practice as a licensed practical nurse in this State has the right to use the title "Licensed Practical Nurse" and abbreviation "L.P.N." No other individual may assume that title or use that abbreviation or other words, letters, signs or figures to indicate that the individual using the same is a licensed practical nurse. [1993, c. 600, Pt. A, §136 (AMD).]

#### SECTION HISTORY

1985, c. 724, §28 (AMD). 1993, c. 600, §A136 (AMD).

### §2258. REGISTRATION UNDER PRIOR LAW

An individual holding a license as a licensed practical nurse in the State issued by the former Board of Registration of Nurses that is valid on September 12, 1959 is licensed as a licensed practical nurse under this chapter, and the renewal of the licenses for those individuals must be effectuated under this subchapter. [2009, c. 2, §88 (COR).]

#### SECTION HISTORY

1993, c. 600, §A137 (AMD). RR 2009, c. 2, §88 (COR).

**§2258-A. ADMINISTRATION OF MEDICATION**

Any employee of an institution under the control of the Department of Health and Human Services or of an institution licensed by the State as a hospital, nursing home, extended care facility or boarding home who, in the exercise of due care, is authorized by the head of that institution or a designee to perform selected activities in the administration of medications and any individual who, in the exercise of due care, is delegated those functions by a licensed allopathic or osteopathic physician is immune from criminal prosecution and civil liability for that administration of medication prior to January 1, 1978 but not after January 1, 1978.

[1995, c. 560, Pt. K, §82 (AMD); 1995, c. 560, Pt. K, §83 (AFF); 2001, c. 354, §3 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

## SECTION HISTORY

1973, c. 535, (NEW). 1973, c. 737, §2 (AMD). 1975, c. 698, §5 (AMD). 1977, c. 497, §11 (AMD). 1993, c. 600, §A138 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 2001, c. 354, §3 (AMD). 2003, c. 689, §B6 (REV).

**§2259. WAIVER**

**(REPEALED)**

## SECTION HISTORY

1967, c. 263, §7 (NEW). 1971, c. 601, §3 (RP). 1971, c. 622, §117 (RP).

Subchapter 5: COMMISSION ON NURSING  
SUPPLY AND EDUCATIONAL ACCESSIBILITY

**§2261. COMMISSION**

**(REPEALED)**

## SECTION HISTORY

1985, c. 724, §29 (NEW). 1985, c. 819, §§A33-36 (AMD). 1987, c. 769, §A121 (AMD). 1989, c. 443, §§86,87 (AMD). 1999, c. 668, §119 (RP).

Subchapter 6: JOINT PRACTICE COUNCIL ON ADVANCED PRACTICE  
REGISTERED NURSING HEADING: PL 1995, C. 379, §9 (NEW)

**§2265. COUNCIL**

**(REPEALED)**

## SECTION HISTORY

1995, c. 379, §9 (NEW). 1997, c. 245, §19 (AMD). 1999, c. 668, §120 (RP).

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to*

*change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--